REMARKS

The Office Action has been carefully reviewed. No claim is allowed. Claims 1-4 and 23-28 presently appear in this application and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

The examiner states that the title is not descriptive and the priority information is required to be updated. Appropriate corrections are made to the specification.

Claims 1-4 have been rejected under 35 U.S.C. §112, first paragraph, because the examiner states that while the specification is enabling for the method of treatment of viral infections including hepatitis B and C, basal cell carcinoma, brain tumor, skin cancer and multiple sclerosis by administering a polyol-interferon-β conjugate, the specification does not reasonably provide enablement for the method of treating all infections, tumors and autoimmune and inflammatory diseases by administering a polyol-interferon-β conjugate. This rejection is respectfully traversed.

Claim 1 is now amended to recite that the presently claimed method treats those infections, tumors and autoimmune and inflammatory diseases that are treatable with human

fibroblast interferon (interferon-β). This is supported in the present specification at page 11, lines 27-31, where the PEG-polypeptide conjugate is disclosed as being used to treat diseases or disorders for which the polypeptide (IFN-β) is effective as an active ingredient. As disclosed on page 7 of the present specification, interferon-β is defined as human fibroblast interferon.

If a particular disorder or disease is treatable with human fibroblast interferon, then that disorder or disease is also treatable with an improvement to human fibroblast interferon where the human fibroblast interferon is in the form of a polyol-human fibroblast interferon conjugate. New claims 26-28 are written in Jepson format to make clear that the invention is in the polyol-human fibroblast interferon conjugate recited, which is an improvement over human fibroblast interferon in those indications where human fibroblast interferon is already known to be effective.

New claims 23-25 are directed to a method of treating multiple sclerosis, a disease supported at page 12 of the specification and indicated by the examiner to be enabled.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claim 4 has been rejected as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The examiner states that only the human fibroblast interferon (IFN-β), but not the full breadth of the claim, meets the written description provision of 35 U.S.C. §112, first paragraph. This rejection is obviated by the amendment to the claims to positively recite human fibroblast interferon as the interferon-β.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 1-4 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is obviated by the amendment to claim 4 to recite for human fibroblast interferon and for the antiviral and antiproliferative activities of human fibroblast interferon, as supported at pages 14-17 of the present specification.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting

their allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By /ACY/
Allen C. Yun
Registration No. 37,971

ACY:pp
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\S\Ser1\ELTAYAR3B\PTO\2007-02-16amendment.doc